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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

10 DANIEL GRUMLEY,

Case No. CV 07-02849 SI

11 Plaintiff,

NOTICE OF UNAVAILABILITY

12 v.

13 THE HIGHER GEAR GROUP, and DOES 1
through 99, inclusive,

14 Defendants.
15

16 AND RELATED COUNTERCLAIMS.
17

18 NOTICE IS HEREBY GIVEN that Luis V. Garcia, Esq., Counsel for Plaintiff/Counter-
19 Defendant/Counter-Claimant DANIEL GRUMLEY is unavailable for the period of October 26,
20 2007 through and including November 5, 2007.

21 An attorney who seeks to take advantage of the absence of opposing counsel by
22 purposefully and deliberately scheduling hearings and appearances during the period of absence
23 may be sanctioned by the court. *Tenderloin Housing Clinic, Inc. v. Sparks* (1992) 8 Cal.App.4th
24 299, 10 Cal.Rptr.2d 371.

25 Dated: October 11, 2007

KASTNER | BANCHERO LLP

26 By:

Luis V. Garcia

27 Attorneys for Plaintiff DANIEL GRUMLEY